



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FILED #13

REPLY TO THE ATTENTION OF:

APR 2 2001

R-19J

Lisa Thorvig  
Deputy Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194

Re: State Program Application for the Underground Storage Tank Program

Dear Ms. Thorvig:

This letter is a followup to my telephone conversation with you regarding a jurisdictional question raised by the Minnesota Pollution Control Agency's application for state program approval for the Underground Storage Tank Program pursuant to Section 9004 of the Resource Conservation and Recovery Act, and specifically the letter sent to Commissioner Karen Studders on this question by Regional Administrator Francis X. Lyons on January 4, 2001.

As we discussed, MPCA's application for state program approval excludes "Indian country," as set forth in the Memorandum of Agreement. The term "Indian country" includes all land within the exterior boundaries of a federal Indian reservation, including both trust and fee lands. With respect to the Mille Lacs reservation, the United States Environmental Protection Agency has relied and continues to rely on the opinion of the U.S. Department of Interior regarding the extent of the boundaries of this reservation, as stated in my previous correspondence to you. Thus, the delegation of federal UST program authority to Minnesota, should that occur, will not extend to Indian country within the state, including the Mille Lacs reservation as defined by DOI. To the extent that the State of Minnesota carries out its own state UST program under its own state (e.g. non-federal) authority, U.S. EPA takes no position on the applicability of that state program to Indian country.

U.S. EPA anticipates that the Federal Register notice of Tentative Determination will reference the exclusion of "Indian country" (as defined above and in previous correspondence), but would not include a discussion of the differences of position between U.S. EPA and MPCA regarding the Mille Lacs reservation boundary. Of course, all correspondence relating to the application is included in the administrative record for U.S. EPA's action on this application.



I hope that this letter addresses your concerns. Please feel free to contact Willie Harris of my staff, should you have any questions concerning this matter. He can be reached at (312) 353-2306.

Sincerely,

**ORIGINAL SIGNED BY**

**DAVID A. ULLRICH**

David A. Ullrich

Acting Regional Administrator

cc: Karen Studders, MPCA  
Willie Harris, U.S EPA, Region 5



bcc: Andrew Tschampa, U.S EPA, Region 5  
Deloris Sieja, U.S EPA, Region 5 ✓  
Thomas Kenney, U.S EPA, Region 5  
Barbara Wester, U.S. EPA, Region 5  
Jerry Parker, U.S. EPA, Headquarters - OUST  
Carmen Chittick Dierking, Assistant Attorney General  
Ed Fairbanks, U.S. EPA, Indian Environmental Office  
Anne Rowan, U.S. EPA

